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February 23, 2004

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**FAX NUMBER:** (703) 872-9306

**FROM:** JOHN P. O'BANION

**RE:** ~~Q~~813,446  
UC97-156-7

**CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8)**

I hereby certify that the enclosed:

1. **AMENDMENT (38 PAGES)**

are being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703-872-9306) on  
23 February 2004.

JOHN P. O'BANION  
(Type or print name of person signing certificate)

(Signature)

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**NUMBER OF PAGES SENT (INCLUDING COVER SHEET):** 39

**IF THERE ARE ANY PROBLEMS OR QUESTIONS, PLEASE CONTACT US AT (916) 498-1010. OUR FAX NO. IS (916) 498-1074.**

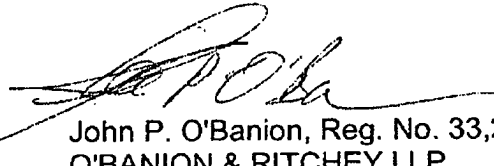
Appl. No.: 09/813,446  
Amdt. Dated: 02/23/2004  
Off. Act. Dated: 12/17/2003

4. Conclusion.

In view of the above, Claims 98-101 and 123-126 are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to allow this application to issue with pending Claims 59-144.

Date: 2/23/2004

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/813,446 Confirmation No.: 3284  
Applicant : OLAV SOLGAARD; JONATHAN P. HERITAGE;  
AMAL R. BHATTARAI  
Title : MULTI-WAVELENGTH CROSS-CONNECT OPTICAL SWITCH  
Filed : 03/20/2001  
TC/A.U. : 2874  
Examiner : LEE, JOHN D.  
Docket No. : UC97-156-7  
Cust. No. : 8156

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## AMENDMENT

Dear Sir:

In response to the non-final Office Action mailed 12/17/2003, please amend the above-identified U.S. patent application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 37 of this paper.